



# CREaTE

Canterbury Research and Theses Environment

Canterbury Christ Church University's repository of research outputs

<http://create.canterbury.ac.uk>

Please cite this publication as follows:

Swallow, P. (1996) Of limited operational relevance: a European view of Interpol's crime-fighting role in the twenty-first century. *Transnational Organized Crime*, 2 (4). pp. 106-130.

Link to official URL (if available):

This version is made available in accordance with publishers' policies. All material made available by CREaTE is protected by intellectual property law, including copyright law. Any use made of the contents should comply with the relevant law.

Contact: [create.library@canterbury.ac.uk](mailto:create.library@canterbury.ac.uk)



## **Of Limited Operational Relevance: A European View of Interpol's Crime-Fighting Role in the Twenty-First Century**

PAUL SWALLOW

Within the range of international organizations the International Criminal Police Organization, more commonly known as Interpol, occupies a very unusual position. Lacking a treaty basis, yet publicly funded and with legally recognized roles in transnational police and judicial cooperation, the organization is unique. It can also, with the possible exception of Scotland Yard and the Canadian 'Mounties', lay claim to being subject to the most misunderstanding and mythology. Much of this can be attributed to the fact that the early body of literature focusing on Interpol seemed dedicated to the uncritical glamourization of the organization.<sup>1</sup> Academic objectivity came later with the words of Gulbinowicz, Greilsamer, Anderson, Bresler, and Grange.<sup>2</sup>

### **A Brief History**

Interpol can trace its origins to 1914, when Prince Albert 1 of Monaco, reputed to have been the victim of a theft in which the perpetrator fled the country, became exasperated by the inability of the Monegasque police to deal with the international aspects of this crime. Other commentators have called attention to Prince Albert's concerns over the White Slave Trade as his motivation – but whatever the reason he called together the First International Police Congress in Monaco in 1914. Rather than using the established protocol of governmental and diplomatic channels to do so, he contacted an eclectic mix of police officers, lawyers, magistrates and other interested people in fourteen countries, on an almost random basis. In so doing, Prince Albert set the tone for the organization as being nothing more than an informal club of policing agencies, which, at its heart, Interpol still is today.

This attempt to enhance international police cooperation was stopped by the First World War, but a second attempt met with far greater success. Between 3 and 7 September 1923, at the behest of Dr Johann Schöber, the Austrian Police President, a similar meeting was held in Vienna attended by

the seven countries that had 'answered Schöber's invitation'.<sup>3</sup> Again, Schöber used an informal route, rather than recognized diplomatic channels, for calling this congress together. This included the use of newspaper advertisements inviting 'any interested police officer or criminologist' to attend. The topics presented for discussion bear remarkable similarities to those still under discussion today. They were first 'the organization of rapid and direct means of intercourse between police authorities in all countries'. Second came the 'institution of a vigorous campaign against international criminals', to include 'fuller cooperation and the most modern methods of crime detection'. Third was 'extradition and post sentence expulsion'. Fourth came 'the combating of drunkenness and the drug habit in so far as the latter comes into the competence of the police authorities'. The final item focused on 'criminal signs, and especially criminal tactics and statistics'.<sup>4</sup>

It was decided to set up the International Police Commission, with its headquarters in Vienna, chosen not only due to Schöber's influence but also to the fact that the Austrian police under Metternich led the world in the establishment of criminal records and had great experience of international police cooperation under the Austro-Hungarian Empire. By 1938 the organization had thirty-four member countries, but its activities were once again halted, this time by Adolf Hitler who annexed Austria that year. During the early part of the war the organization's headquarters were transferred to Berlin where the Nazis badly misused the organization's files in the hunting down of political opponents. At the conclusion of the Second World War the organization was reconstituted by the seventeen countries which attended a meeting in Belgium in June 1946. Credit for this initiative is usually attributed to the Inspector General of the Belgian police, Florent Louwage, an officer active in the organization pre-war, and today accused of active Nazi collaboration during the war – but responsibility cannot have been his alone.<sup>5</sup> The headquarters were established in Paris later that year. It was renamed as the 'International Criminal Police Commission' although it quickly became more commonly known by its telex address of 'Interpol', an abbreviation of 'International Police'.<sup>6</sup> In 1949 Interpol was given consultative status by the United Nations Organization (UN) as a non-governmental organization, its first official international recognition. In 1956 the present constitution was laid down. Interpol moved, in 1964, to purpose built premises in St. Cloud, a suburb of Paris. In 1971 Interpol was given a 'Special Relationship' with the UN. This will be discussed in greater detail below. In 1989 the organization moved again to its present purpose built site in Lyons, aided by the French government's policies on regionalization and the gift of a riverside site by the city. Under the guidance



of the present General Secretary, Raymond Kendall, who took office in 1985, ICPO has embarked on a long overdue program of organizational and technical modernization.

Interpol today facilitates international police cooperation by providing a channel of communication between police forces and law enforcement agencies in 176 different countries.<sup>7</sup> It has no operational role and therefore does not initiate or undertake judicial enquiries on its own behalf.<sup>8</sup> Interpol's primary function is the exchange of messages such as requests for information or requests that enquiries are undertaken between the police forces and judicial authorities of its membership. Interpol is one route for facilitating the passage of *Commissions Rogatoires* (another is via diplomatic channels). *Commissions Rogatoires*, more correctly known within the UK as Letters of Request, are official applications for assistance directed to and from, in the case of the UK, the Crown Prosecution Service and other prosecuting agencies abroad. Interpol has today developed databanks of archive material on drugs importation and manufacture, and it holds conferences on a multitude of matters of criminal concern, such as counterfeiting, and the laundering of drugs profits. The organization issues a range of 'notices', relating to persons or information on persons sought by police agencies in its member states. There are five colored 'notices': red notices, which are unofficial international arrest warrants; blue notices, which request information on a given individual; green notices, which circulate information on suspected criminals, yellow notices which give details of missing persons; and black notices, which are notifications of the finding of unidentified bodies. Additionally there are circulations of stolen goods and notifications of criminals' *modus operandi*. The organization has been described as the 'most fabulous police post box in the world'.<sup>9</sup>

Interpol has specific responsibilities in respect of several international treaties, such as Britain's Criminal Justice (International Cooperation) Act 1990 which brings into force the 1959 European Convention on Mutual Assistance in Criminal Matters. The 1957 European Extradition Convention provides that in emergencies the Contracting Parties can specifically use the services of Interpol to transmit requests for provisional arrest. In respect of foreign police officers travelling to the UK from abroad to be present when enquiries are conducted, official permission must be obtained first from the Home Office. This responsibility has been delegated to the Head of Interpol's UK NCB (National Central Bureau) in London. Interpol also provides advice and assistance to officers making enquiries in other countries, and has the linguistic skills necessary to do this. Recently, Interpol has turned its attention to crime analysis.

Throughout the 1950s and 1960s international police cooperation was

probably no more than the 'low level technical administrative exercise' described by Anderson,<sup>10</sup> a role for which Interpol at the time was admirably fitted. However, recent progress in technology and travel, moves towards political union in Europe, concerns about financial and political migration from poorer non-EC countries and particularly the reduction or removal of intra-EC borders have contributed to fears about the 'internationalization' of crime, particularly drugs, terrorism and illegal immigration. Although some commentators are sceptical,<sup>11</sup> this has increasingly emphasized a perceived need for compensatory measures in the shape of enhanced European police cooperation. To a large measure Interpol failed, at least until the mid 1980s, to respond adequately. It had fallen, at almost precisely the wrong time, into a languid and bureaucratic torpor, and this in part brought the organization a 'tarnished image'.<sup>12</sup> Despite recent attempts at modernization, the legacy of this period has called into question the ability of Interpol to fulfill a significant role in the future.

At first sight, Interpol might seem to be the obvious choice as the European and international policing agency of the future. It may need considerable investment and a great deal of international political support to do so, but, as currently set up, it provides an excellent framework for progression. Interpol has an established infrastructure and a communications network extending to nearly all parts of the world. In recognition of the particular needs of the developing European Union, Interpol has taken considerable steps. It developed, in 1986, a European Secretariat,<sup>13</sup> and has also set up the ASF network. This is a database in Lyons which can be searched from any country with the correct equipment. It also established the European Contact Officer system. This provides for a dedicated officer, a troubleshooter, to deal personally with urgent cases. Interpol has, in addition, developed a strategy for European police cooperation in its Business Plan for 1992-1997 including the formation of European Working Groups on data protection, computer crime, the standardization of fingerprints, and initiatives on motor vehicle crime. It has also established a program of action for organizational renewal, entitled Interpol 2000.

Yet despite this seeming potential, other structures and organizations have been developed since the 1970s to operate in much the same field as (or duplicate the work of) Interpol, some of which specifically cite shortcomings in the organization as the reason for their existence. In 1975 the Trevi group was set up to coordinate the international response to terrorism as Interpol had declared itself to have limited capacity in this area. In 1985 the Schengen Accord was signed and established its own international police database, thereby disregarding Interpol's potential.



Finally the European Union set up Europol in 1992 to coordinate the response of European police forces to organized crime, and in the early stages forbade it from sharing information with Interpol (this was altered in the draft Europol convention). Interpol, which depends on Europe for much of its funding, seems to have been rejected as the model for international police cooperation by the developers of these other agencies. This poses the question 'Why?'

It is difficult to obtain empirical evidence of the basis for this apparent rejection of Interpol. But criticism of the organization undoubtedly exists, and seems grouped into four interrelated areas. The third can be construed as emanating more from a policing perspective, whilst the first, second and fourth, arguably the more important, are unquestionably 'political'. It will be argued here that Interpol enjoys support from neither its customers, the police agencies who use its services, nor its paymasters, the national governments who provide its funding.

The problems with Interpol can be categorized as follows:

- uncertainties caused by the organization's unusual legal position, including its ambiguous relationship with the United Nations;
- internal constitutional difficulties, most notably the interpretation of Article 3;
- a lingering image of inefficiency and allegations of a lack of security;
- a lack of democratic accountability, scrutiny or control, particularly in relation to data protection which has resulted in an almost total absence of political support.

### Interpol's Unusual Legal Position

Interpol started life as an unofficial professional association and retains a great deal of that informal character today. It is not founded on an internationally agreed treaty or convention, but was developed by police agencies as a functional response to a given operational need.

During the postwar period, it was apparent to many that some sort of international policing mechanism was needed. At the time this role was being fulfilled by the 'professional club'<sup>14</sup> of Interpol. No political will seemed to exist to take on the enormously complex legal problems that would have to be addressed to develop a constitutionally based and internationally agreed worldwide policing agency. The easy option seems to have been taken, and in the spirit of 'if it ain't broke don't fix it' Interpol

was allowed to continue. This gives rise to the description of the organization as a 'legitimized police old boys network'<sup>15</sup> that even today has, according to Anderson,<sup>16</sup> official recognition from only five sources – the UN, the Council of Europe, France, Thailand and the United States, and 'tacit recognition' by the remainder of its participants.

France, the organization's host country, recognized Interpol via a 'Headquarters Agreement' in order to allow Interpol to be a legal entity in its own right under French law. It would thus be able to purchase property, sign contracts, and to employ personnel directly instead of *via* one of its publications as before.<sup>17</sup> The United States was forced to confront the issue following the 'war' waged against Interpol by the Church of Scientology in the 1970s.<sup>18</sup> In the unease that followed the Watergate scandal the US Congress was very ready to challenge institutions it had previously felt to be trustworthy. The ensuing enquiry resulted in Interpol being recognized as an international organization, with various rights and privileges, including legal immunity, accorded by the Reagan administration in 1983.<sup>19</sup> The position of Thailand is similar to that of France in that for domestic legal reasons it needed a Headquarters Agreement for its regional bureau. Fooner claims that Argentina, Morocco and Bolivia have signalled their acceptance of Interpol by the issuing of a 'decree', and he feels able to conclude in the seeming absence of any evidence that most other countries affiliated to it 'have solemnized their accession in a document signed by the Chief of State or by an appropriate minister'.<sup>20</sup>

This is not the case in the United Kingdom. In 1977 the MP for Southampton, Brian Gould, asked the Home Office by way of written question 'whether there is any formal signed agreement under which the United Kingdom is a member of Interpol'. In reply, Dr Shirley Summerskill said, 'Membership of the International Criminal Police Organization (Interpol) is not obtained by an inter-governmental treaty or agreement. The question of a formal signed agreement by the United Kingdom does not therefore arise'.<sup>21</sup>

### Interpol's Relationship with the United Nations Organization

The United Nations Organization's hierarchy sits at four levels. At the apex is the United Nations Organization itself. Below this are the six main bodies including the Security Council, ECOSOC, and the International Court of Justice. At the third level are the fifteen 'specialized agencies', known also as inter-governmental organizations, or IGOs, and defined by Article 57 of the United Nations Charter. At the base are the fifteen hundred or so non-governmental organizations, or NGOs. All of the Inter-governmental



organizations, and some of the non-governmental organizations have consultative status with ECOSOC – the United Nations Economic and Social Council.

It is often claimed, both by academic researchers and by Interpol's staff, that ICPO is an 'inter-governmental organization'.<sup>22</sup> But can this be borne out by the facts? In 1949 the UN granted the International Criminal Police Commission 'category B' status, that of a non-governmental organization in consultative status with ECOSOC, the organization having previously been refused this recognition when it first applied for it in 1947.

Non-governmental organizations are defined by the United Nations as 'non-profit citizens' voluntary organizations, organized nationally or internationally'.<sup>23</sup> United Nations Inter-governmental Organizations are defined by Article 57 of the United Nations Charter as follows: the various specialized agencies, established by inter-governmental agreement, and having wide international responsibilities, as defined in their basic instruments . . . shall be brought into relationship with the United Nations in accordance with Article 63'. Article 57(2) states that such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies'. This acknowledges the existence of IGOs that do not have a relationship with the UN system.

Interpol cannot be described as a 'non-profit citizen's voluntary organization', yet this was the status officially ascribed to it. Nor was it established by 'inter-governmental agreement', and, therefore, cannot be an inter-governmental organization and thus a specialized agency. This point is reinforced by the United Nations itself. In 1959 it declared that any international organization which is not established by inter-governmental agreement shall be considered as a non-governmental organization'.<sup>24</sup> It can thus be seen that ICPO–Interpol does not fit easily into either category.

The question of Interpol's status was evidently of concern to the UN in that the late Professor Paul Reuter was asked for a legal opinion in 1971. He wrote:

The UN Secretary General's Report to ECOSOC on inter-governmental organizations outside the United Nations (E/4961 of 8 March 1971) supported the proposal that the Council should approve certain co-operation arrangements: '... with Interpol, formerly a non-governmental organization and now to be regarded as an inter-governmental organization'.<sup>25</sup>

Reuter's use of the word 'regarded' did little to clarify Interpol's true status. His opinion however was recognized by the UN later in 1971, after what Bresler<sup>26</sup> described as 'some de Gaulle like posturing' by the subsequent General Secretary, Jean Népote. It resulted in the development of a 'special relationship' between the two organizations, and was

undertaken by means of 'a Special Arrangement' in which Interpol would in certain circumstances be treated as if it were an inter-governmental organization.<sup>27</sup> Describing this move, the then General Secretary, André Bossard said: 'It is true that this arrangement did not officially modify Interpol's status, but it did constitute recognition of the fact that Interpol differed from the other non-governmental organizations having consultative status with ECOSOC'.<sup>28</sup>

In 1982 the United Nations Office of Legal Affairs prepared a further opinion which was copied to all NCBs by Interpol's General Secretariat with a covering letter. This letter acknowledged that in the past 'there have sometimes been doubts as to whether the ICPO–Interpol should be classified as an inter-governmental organization'. The letter continued by referring to the legal opinion in which 'it appears clearly that the United Nations recognizes the ICPO–Interpol as an inter-governmental organization', and asks that the opinion be drawn to the attention of the appropriate government department in your country'.<sup>29</sup>

The legal opinion attached to the letter refers to two United Nations instruments, firstly a new rule, Rule 79 of the Council's Rules of Procedure', and secondly the Council's decision 109 LIX of 23 July 1975 relating to the participation of inter-governmental organizations in the work of the council'. Rule 79, adopted by the Council on 7 May 1975, permits inter-governmental organizations other than the UN specialized Agencies to participate in the work of ECOSOC. Decision 109 LIX includes a resolution to allow the International Criminal Police Organization . . . to participate . . . in the work of the Council under rule 79 of the rules of procedure'. Under the auspices of Rule 79, ICPO–Interpol is listed as an inter-governmental agency that attended the United Nations Sixth Congress on the Prevention of Crime and the Treatment of Offenders in 1980.

Despite this recognition, the opinion states: 'The available official records documenting the history of Interpol's relationship with the United Nations do not indicate on what basis ECOSOC eventually had been satisfied that Interpol qualified as an inter-governmental organization'.

Highlighting the absence of an agreed definition of an inter-governmental organization, the paper indicates that if an organization's 'constitution does not qualify as a formal international treaty, an organization may well be called inter-governmental as a result of the role which that constitution ascribes to governments.' It continues by stating, in seeming contradiction of the above, that:

without the need here to go into a detailed analysis of [Interpol's] 1956 constitution, it may be considered that the present constitutional



provisions of that organization fully justify ECOSOC's decisions in 1971 and 1975 to consider Interpol no longer a non-governmental organization, but as an inter-governmental organization.<sup>30</sup>

This point was discussed with a representative of the British government, who felt that the decision was made in the absence of any evidence to support it. This view was reflected in the UK's reply to the question of the amendment of Interpol's constitution (see below).

Whilst its true legal position remains unclear, Interpol would point out that United Nation recognition, however qualified, is the basis of the organization's status. This, together with the Headquarters Agreement signed by the French Government, as well as the organization's recognition within international conventions dating back to the 1920s, is sufficient securely to locate ICPO-Interpol within the range of international organizations. As Fooner points out, Interpol has always been treated as a legitimate organization in that governments applied for membership, appointed delegates, appropriated money for dues, and in other ways conformed to the rules set by the organization.<sup>31</sup> There is no doubt that Interpol would prefer to be regarded as an UN-recognized inter-governmental organization. Were it to have this status, or that of a Specialized Agency, it would be in a stronger position to dominate the world market for transnational police cooperation, and thus the need for competitors would be less obvious. Yet the issue of Interpol's legal status has still to be resolved. This can be seen in the attempt Interpol made in 1992 to amend its constitution in an effort to persuade the member governments to regard the organization as inter-governmental. This is discussed below.

### Constitutional Difficulties

Anderson points out that Interpol's constitution, agreed in 1956, is out of date and not well worded.<sup>32</sup> He claims that there are differences between the English and the French versions of the text. He also discusses the constitution's 'vagueness' claiming that this imprecision is probably deliberate, and due to Sir Richard Jackson's search for informality as a way of avoiding political interference.<sup>33</sup> At the height of the Cold War this was a matter of great concern. For example, Article 4 states that 'Any country may delegate as a Member to the organization any official police body...'. The use of 'country' and not the more recognized 'state' has caused comment, and the statement that police bodies, and not countries are the members of

ICPO was intended to try to divorce national politics from ICPO's functions. This was explained by the UK delegate at a meeting in Istanbul in 1955 in preparation for the 1956 Vienna Congress:

The advantages (Interpol) enjoys under the present system risk being lost if the Organization takes on too governmental a character. Representatives speaking in the name of their governments on the basis of exact instructions risk introducing into the discussions certain political ideas which could not but be harmful to the interests of the Organization.<sup>34</sup>

The essence of this independence from political control is deeply rooted within ICPO, and will probably prove impossible to change. Under Article 14, decisions to change the constitution require a two thirds majority of the membership. As each member has equal voting rights, and as about 20 percent of the membership for various reasons does not attend the General Assemblies, it is immensely difficult to introduce changes. Anderson claims that this initiative was the responsibility of Jean Népote, who, not foreseeing the growth of micro states, later regretted it.<sup>35</sup> With 176 members in 1996, constitutional amendment would require a majority of 117 countries. In 1994 139 countries, reputedly the highest ever attendance, went to the Rome General Assembly.<sup>36</sup> It would therefore need a consensus of about 82 percent of the attending delegates to implement change. Further difficulties are evident in the fact that while the constitution provides for countries' joining the organization, there are no procedures at all laid out for the expulsion of its members. This would explain why Cuba, which has paid no dues at all, still continues as a member.<sup>37</sup>

As outlined above, Interpol is forbidden by Article 3 of its constitution from dealing with matters of a political, military, racial or religious nature. This restriction has, in the past, been interpreted by the organization as including terrorism. Despite the explanations of some commentators such as Babovic, Interpol adhered to this principle until comparatively recently. Speaking at Bramshill House on 1 December 1966 in the Frank Newsam Memorial Lecture, Jean Népote outlined Interpol's thinking on this matter. He said:

Offenses against ordinary criminal law are universally recognized as violations of the rules governing life in a community and of the normal pattern of relations between human beings. There is a kind of historical and geographical consensus branding them as crimes. This kind of absolute and universal condemnation is conspicuously lacking where political offenses are concerned, even when they have been codified and



defined by law, and the relativity is particularly apparent at the international level.<sup>38</sup>

The strict interpretation of Article 3 has caused great harm to the organization's reputation. For example, until 1985 and the issuing of a Red Notice for Josef Mengele,<sup>39</sup> Interpol had refused to assist in the hunt for Nazi war criminals,<sup>40</sup> deeming Mengele's crimes to fall within the scope of the article. Marcel Sicot, a former General Secretary, writing in 1961 in defense of Article 3 said 'the systematic search for Nazi criminals'<sup>40</sup> would oblige Interpol to intervene in many other cases of the same type'.<sup>41</sup> Similarly, following the terrorist outrage against Israeli athletes at the Munich Olympic Games in 1972, Interpol, due to a decision by the then General Secretary, Jean Népote, refused to allow Interpol to assist the German police in their enquiries. The resultant debate caused the decision to clarify Interpol's position in respect of Article 3 and eventually took the form of a resolution in 1984 stating 'In general, offenses are not considered to be political when they are committed outside the conflict area and when the victims are not connected with the aims or objectives pursued by the offenders'.<sup>42</sup>

Interpol now considers that it has an adequate response to the question of international terrorism, and has set up a bureau specifically to deal with it. But irrespective of the development of guidelines intended to derestrict the interpretation of the article, Article 3 itself remains in force and unaltered to this day. As such, Interpol's assistance in these matters cannot be guaranteed.

Interpol has long recognized the problems inherent in its 1956 Constitution, particularly the question referred to above of whether the organization was inter-governmental or non-governmental in nature. Anderson suggested an avenue for undertaking constitutional revision, and the organization set about examining the problem in 1992.<sup>43</sup> Terming the issue an 'Amendment of the Constitution', the 61st Session of the General Assembly in Dakar in November 1992 set up an 'Expert Group' to amend the 1956 constitution. The group met twice, in July 1993 and in January 1994, and considered a draft constitution adopted by the Executive Committee in July 1992. The draft caused problems for the group, mostly relating to varying views of the organization's legal status.

According to an Interpol official interviewed for this study (October 1995), at its first meeting the group decided to send a questionnaire to all NCBs to clarify the various national opinions about Interpol's legal status. The questionnaire contained 43 questions, several of which were included at the request of the twenty representatives at the first meeting of the group.

Of the 176 questionnaires sent, only 21 were returned in time for examination at the second meeting of the expert group in January 1994, with two of these, Qatar and the United Arab Emirates, merely stating that they had no views to express on the organization's constitution. This figure grew eventually to 29 replies. It was indicated that an analysis of the 19 substantive replies originally received showed the complexity of the subject, and highlighted the complete absence of common opinion among the respondents. In short, the 16 percent of the organization's membership who were able to reply were split equally between those who did, and those who did not consider that Interpol was an inter-governmental organization.

This confusion and lack of common opinion led the General Assembly to agree the following resolution: The ICPO-Interpol General Assembly decides that the work of the Expert Group on amendment of the Constitution should be suspended until the General Assembly decides otherwise.<sup>44</sup>

### Allegations of Inefficiency and Insecurity

Descriptions of the quality, security and speed of Interpol's functions are rarely complimentary. Fijnaut speaks of the 'bureaucratic, global, ineffective organization of Interpol'.<sup>45</sup> Woodward cites the observation that many British police officers 'would as soon hand over their operational information to Interflora as to Interpol'.<sup>46</sup> Benyon *et al.* claim that 'Interpol's communications are insecure'.<sup>47</sup> Gulbinowicz quotes from a study of the 1975 rescue at Entebbe in which it was alleged that Israel asked Interpol to help and forward the information to their Paris Headquarters, only to discover that the Arabs had gotten hold of it and they in turn passed it on to the other terrorist organizations.<sup>48</sup> Distrust of the organization was summed up by the UK Home Affairs Committee which said that doubts about Interpol centered on the 'speed of responses, the formality of its procedures and its poor levels of security'.<sup>49</sup> Ayres *et al.*<sup>50</sup> point to the London NCB's deficiencies and to the need for Interpol to develop, while James has researched what he identified as Interpol's considerable operating problems within the UK.<sup>51</sup> Interpol was very aware of these problems and set about rectifying them. Following a study by the European Secretariat, Interpol set itself 'service standards'. These include a commitment to meeting target times within agreed timescales. For urgent enquiries a reply should be sent to the requesting agency 'within 24 hours', for normal enquiries, 'within 10 days', and non-urgent enquiries, within one month'.<sup>52</sup> Whether this is adequate remains to be seen.



Regarding security, the most scathing complaints were those made by the Metropolitan Police Special Branch in its submission to the same Home Affairs Committee enquiry. The Branch concluded that 'Interpol staff are not experienced in affording the proper protection to classified material, do not possess the requisite security clearances, and the politics and motives of some of its member agencies are to say the least, questionable in this context'.<sup>53</sup>

Criticism of Interpol by police practitioners was almost universal. In more than sixty interviews for this study undertaken in six European countries only one single senior police officer was found who was prepared to give unqualified support to ICPO-Interpol.<sup>54</sup> This officer had investigated an international fraud and had travelled widely throughout Europe and South America. He had lectured subsequently on the problems posed by practical transnational police cooperation. Yet his greatest praise was reserved for a named linguist within the London NCB who seemed to have bypassed the normal ICPO channels in furtherance of the case and had contacted foreign police forces directly. Apart from this exception, the most usual criticisms were of slowness, bureaucracy, a lack of security and an inability to meet operational needs.

In 1993, the London NCB developed an Interpol Liaison Officer (ILO) network to promote the organization's activities within the UK. A conference was held in January 1994 to set out what the organization could do, and several workshops were held.<sup>55</sup> One, entitled 'The Role of the Interpol Liaison Officer', underlined the remarkable lack of knowledge present within the delegates about the organization. The report on this workshop submitted to the Head of the London NCB contains the following phrase: 'The delegates acknowledged their own ignorance of the work of ICPO and expressed the belief that such lack of knowledge was widespread throughout their forces'.

Not surprisingly, therefore, the ILO initiative has proved less successful than hoped. An ILO was interviewed in December 1995. This officer had worked in the field of investigation of organized crime. During his year in post as an ILO, he had only one inquiry relating to his role as an Interpol Liaison Officer. He told me that the ILO network was a cosmetic exercise – a waste of time. I never used Interpol anyway.

'Interpol itself is aware of these problems, and has said that much of the criticism directed against the organization stemmed from the inadequacy of NCBs rather than the inadequacy of the General Secretariat'.<sup>56</sup> There may be some truth in this remark. In September 1994 in a visit to the Paris NCB, it was learned that the office was only open from 9 am to 5 pm, Monday to Friday. Although a call-out system for other times existed, the person

deputed to operate the system was based in another building, and there was no guarantee that he or she would be a linguist.

### Problems with Accountability

There is no legal or constitutional requirement for Interpol to be accountable to the public. For example, the organization publishes no financial accounts, despite being funded largely by taxpayers' money.<sup>57</sup> And although it deals with computerized information, Interpol has made negligible provision in respect of data protection (this is discussed in greater detail below). While the NCBs themselves are subject to national laws, the organization's headquarters, and its chief officers in France, are, by virtue of the 1982 Headquarters Agreement, subject to the equivalent of diplomatic immunity. They are thus exempted from any legal or civil action. This extends to an exemption for the Lyons-based foreign nationals working at ICPO's headquarters from paying French taxes. Further, there is no accountable supervisory body or oversight mechanism able to regulate the organization's activities. Thus, issues such as civil liberties are a problem, and this calls into question the organization's long term viability. During the above mentioned ILO conference, and in response to the question 'What can Europol offer that Interpol cannot?', a senior Home Office official replied 'Political accountability, democratic accountability, (and) financial accountability ...'. This underlines the problem that due to its lack of a negotiated convention or other oversight mechanism, Interpol cannot be viewed as being accountable for its actions. For Interpol to attain accountability it would have to have an internationally agreed convention as its basis, and this too would require significant amendment to its constitution, and the setting up of an agreed oversight mechanism to which Interpol would report.

### *Lack of Political and Professional Support and the Establishment of 'Rivals'*

Reporting the close of the 1923 Vienna conference during which Interpol's forerunner was established, *The Times* stated that the resolutions reached were '... of hardly more than platonic value seeing that the police have not the final word in the adoption of certain new courses of procedure when such are not in accordance with the existing laws of the countries'.<sup>58</sup>

Interpol, established and developed by police practitioners in the absence of genuine political support or endorsement, and without an



international politically agreed convention, seems only ever to have had marginal governmental support. This is recognized by Raymond Kendall, Interpol's General Secretary, who has acknowledged that the 'biggest difficulty has been and still is how to get through to the political leaders ... Why don't they give us the resources really to deal with the problem (of international crime)?'<sup>59</sup>

Critics of Interpol exist in the political field. Quinlan Shea, a former head of the US Department of Justice's Office of Privacy and Information Appeals alleged that Saddam Hussein 'had used Iraq's membership of Interpol to continue drawing information from American police intelligence sources during the Gulf War'.<sup>60</sup> Gerald Arenberg, executive director of the US National Association of Chiefs of Police and a well known and vociferous critic of Interpol has summed up many political concerns. Referring to the chairmanship of Interpol's drugs committee by the notorious Panamanian drugs dealer General Manuel Noriega, he is quoted as stating in a letter dated 11 February 1992 to the USA's Permanent Ambassador to the UN that 'Interpol officials ... in certain countries ... have actively (engaged) in illicit drug trafficking'. He continued by describing ICPO as being 'above the law', as having previously been 'an arm of the Nazis', as being 'accountable to no one' and 'immune from legal action around the world'. These are accusations he later repeated to the Belgian Senate.<sup>61</sup> In a further letter in March 1992 to the US House of Representatives Subcommittee on Civil and Constitutional Rights, Arenberg claimed that Interpol is 'a liability to effective law enforcement and a threat to the safety and privacy of citizens around the world', and he urged the government to withhold funds.<sup>62</sup> A further question mark over Interpol is found in the great suspicion felt by many countries in the west of the political motives of some of ICPO's membership, such as Libya and Iran, who themselves had been directly accused of involvement in terrorist activity. Libya for example was implicated in the training, arming and supply of explosives to the IRA, and has been accused of involvement in the 1988 Lockerbie bombing of an American civilian aircraft.

In the United Kingdom it was reported to the Home Affairs Committee (HAC) investigating international police cooperation that Interpol's methods are 'bureaucratic and laborious'.<sup>63</sup> Some – qualified – support for the organization was expressed in the evidence of the former Metropolitan Police Deputy Commissioner Sir John Dellow to this inquiry. Asked by Mike Woodcock for a comment on the fact that 'In spite of the technology that we saw at Interpol, and I think we were all quite impressed with the presentation, we sometimes get the impression that there is a view around that Interpol is somewhat fossilized'. In response, Sir John Dellow stated

'...certainly that was the view of many Chief Officers in the country who used Interpol very little. Those of us that were closer to it...knew that it was not as bad as that ...'.<sup>64</sup> This lukewarm support was translated by the committee into the following recommendation '...we recommend that, instead of setting up new mechanisms elsewhere, the role of Interpol be enhanced'. This view was supported in the Government reply to the HAC report,<sup>65</sup> but was contradicted by the British parliamentarian, Tristan Garel-Jones who was reported as saying 'John Major was absolutely right to support Helmut Kohl in his call for a Europol – a sort of European Interpol ...'.<sup>66</sup> The political rejection of Interpol is again explicit. It is of interest to note that a Dutch commentator, Piet Van Reenan, a former senior police officer and director of The Netherlands Police Academy, claims that the British are among the few supporters of Interpol within the European Union. He attributes this to the fact that the organization is now led by a Briton, alleging that, before this, the UK was also prominent among the organization's critics.<sup>67</sup>

The overall lack of political support has caused an over-reliance upon the strength of character of each of Interpol's successive General Secretaries who have been obliged to force the pace of the organization's development almost single handedly. It will be noted that Jean Népote is reported as personally insisting on Interpol's upgrading the status of the organization within the UN,<sup>68</sup> and that Raymond Kendall is regularly given tributes for his personal work on behalf of Interpol and his own influence upon the organization. Had Interpol enjoyed a wider unqualified backing, the efforts of these individuals might have been less necessary.

Moreover, this lack of support has hindered the organization operationally. Interpol has recently attempted to undertake criminal analysis, which is intended to predict crime trends and thus allow appropriate pre-emptive action to be taken. But this has been of limited value. Jürgen Storbeck, formerly a senior official within Interpol in Lyons and now the Coordinator for Europol, wrote:

The central international intelligence work of the Interpol General Secretariat has up to now largely only served to provide pictures of the situation owing to the lack of staff and material and organizational support by the member states as well as the lack of data from the member states, and only in exceptional cases has it lead to the initiation and support of specific investigations. This service, in particular, should in future be provided by Europol/EDU.<sup>69</sup>

This point has been echoed elsewhere. At the above mentioned Interpol conference a representative from the Home Office International Police



Division made a speech during which it was said 'as Europol is designed to undertake criminal analysis, it should offer a higher level (of criminal analysis) than can be offered by Interpol'.

The lack of support has restricted the financial backing Interpol enjoys, and this affects its ability to perform its tasks. According to the organization's former President, Norman Inkster, 'we are one of the most technically advanced crimefighting forces but we cannot maintain this position on our current budget'.<sup>70</sup> Presently Interpol's global budget is about 150,000,000 French Francs (£20,000,000). Each member of Interpol is allocated a certain number of budget units based upon Interpol's judgement regarding the ability of the member to pay, and Interpol decrees the value of the unit at each General Assembly. The budget unit for 1995-1996 was set at the 63rd General Assembly at 71,300 French Francs (£10,000), an increase of three per cent over the previous year. The Secretary General had asked for a six per cent rise. Yet there was no guarantee that this money would ever be received. The problem of unpaid fees is rising, and although the exact amount of the debt is unpublished, as is the identity of the non-payers, it was reported that the debt increased by 765,952.58 Swiss Francs (£400,000) in the 1993 financial year. During his opening speech to the 63rd General Assembly in Rome, Norman Inkster said:

the Organization is essentially on a fixed budget as the value of the budget unit has remained constant for the past several years. But ... the value has been eaten away by inflation so the actual money available to Interpol's secretariat has declined while the secretariat is asked to do more. At the same time the list of countries in arrears is growing while we ask those who pay to pay more.<sup>71</sup>

The need for new technology, new procedures, and new areas of activity is putting increasing pressure on Interpol's finances. Restricted finances are hindering the organization's ability to improve. This again emphasizes the twin problems of Interpol, a lack of control by the center, and a lack of political support by its membership.

#### *Data Protection*

Concerns over the use and misuse of computerized data lead to the development of legislation in several western countries from the 1970s onwards. Whilst the need for data protection is a comparatively recent development, the baseline is the 1981 European Convention on Data Protection. In terms of the exchange of police data, it was complemented by the Council of Europe Recommendation R87 (15).<sup>72</sup> In an age where public

concern over the storage, use and exchange of computerized information has resulted in the passing of data protection legislation in several countries, mainly in Europe, ICPO is already under scrutiny by organizations such as the International Privacy Commissioners.<sup>73</sup> Presently each NCB is required to observe its own national data protection legislation, if such legislation exists, a position summed up by Interpol itself. 'Each Government reserves the right to grant or withhold its cooperation in accordance with the laws and principles in force in its own country'. As only a few countries, mainly in Europe, have data protection legislation in force, this raises the issue of the effectiveness of the organization's ability to control the use to which information supplied by Interpol will be put in those countries. In principle this means that some states with data protection legislation will either prefer not to, or will be prevented by national legislation from giving information to Interpol for transmission to countries without relevant or acceptable legislation.

This problem is well recognized by Interpol itself. Speaking of the concerns over an NCB supplying information that is ultimately proved to be incorrect, and of information that is misused by the receiving NCB, Egon Schlanitz, a lawyer, police officer, and the then head of Interpol's Police Division attempted to defend Interpol from such allegations. Yet he merely emphasized the alarming lack of sanction and central control available to the organization. As he stated:

If the inaccuracy of information supplied by an NCB is discovered, the NCBs in other countries will refuse in the future to act in good faith on information they have received that emanates from that country.... The NCB concerned will lose the support of the other NCBs...the regulatory mechanism is informal. Once it is found out that an NCB – or national authorities in general – do not respect, or cannot respect, the restrictions laid down for the use of information by the originating NCBs, the NCB concerned risks being no longer able to obtain access to the information it needs.<sup>74</sup>

In states with data protection legislation in force, legal sanctions and remedies are provided by statute. In countries without such legislation, including the majority of ICPO's members, 'informal regulation' has to be relied upon. Whether this is sufficient is doubtful.

What is Interpol's attitude towards the need for data protection? Relevant French legislation was passed in 1978, and at the time was applicable to Interpol's headquarters. Fooner claimed that this worried the organization: 'Interpol executives felt that the law's restrictions on computerization of data on persons would seriously obstruct the General



Secretariat's ability to function'. He continued, by alleging that Interpol's 'recourse was to renegotiate the Headquarters Agreement... by adding a specially devised section that would remove Interpol records from the application of the national privacy law'.<sup>75</sup> This set up a 'Supervisory Board' to regulate the organization's internal archives.

How adequate, therefore, is Interpol's data protection? In the wake of the Younger Report into data protection, the British Government published, in 1975, a white paper (Cmnd 6353). In it the government said: 'the time has come when those who use computers to handle personal information, however responsible they are, can no longer remain the sole judges of whether their own systems adequately safeguard privacy'.<sup>76</sup>

According to Principle 1.1 of Recommendation 87(15), each Council of Europe member state should have a data protection supervisory board which is independent and from outside the police service. Does Interpol's supervisory board meet the required standard of independence? In Interpol's case, 'the Executive Committee (of Interpol) had designated the members of the Board *who were to be appointed by the Organization*'.<sup>77</sup> Anderson has observed that: 'both in the composition of the Board and in its terms of reference, the compromise seemed to lean towards Interpol rather than the French Government's position'.<sup>78</sup>

The board comprises five individuals from ICPO's member countries, three because of an expertise in data protection issues or because they have senior judicial experience. Of these three, one was to be appointed by the French government, and one by Interpol itself. These two were to choose the third, who was to serve as chairman of the Supervisory Board, and was to have senior judicial experience. The fourth member was to be from Interpol's Executive Committee, and the fifth was selected by the Chairman from a list of five data protection experts submitted by Interpol. The government selected the then head of the French data protection agency, the Comité Nationale Informatique et Libertés' (CNIL).

This means that only one member of the Supervisory Board is not directly appointed by Interpol or nominated from a group selected by the organization itself. Interpol itself effectively has a large say in the appointment of four - fifths of the members of what is supposed to be an 'independent' supervisory board. The organization even pays the Board members' expenses (although it does not pay them a salary). The level of data protection, therefore, is below the accepted standard. The presence of the representative from CNIL is used to bolster the independence and status of the Supervisory Board, but Raab has called into question the efficiency of CNIL itself in its dealing with national supervisory records within France.<sup>79</sup>

Concern over data protection caused the 20th European Regional Conference to establish a working party on data protection. Its terms of reference were to analyze the problems resulting from new factors relating to legislation on the protection of personal data and to formulate recommendations to solve these problems.

The group started work in 1992 chaired by a British police officer and quickly established the enormity of the problem. It thus limited its work to the then 34 countries within the organization's European Region. This involved developing a detailed questionnaire relating to the application of data protection from the national perspective. Thirty four questionnaires were sent out, but only eighteen replies were received. According to the chairman, the fact that so few countries have yet to embrace the concept of data protection, let alone develop legislation, highlights the complexity of the subject. The replies to the questionnaire showed how diverse (within Europe) practices relating to data protection had become. For example, five respondents did not believe the phrase 'for police use only' included ICPO-Interpol itself.

The Working Group considered five main options for the future: the retention of the status quo, the production of a dictionary detailing national data protection requirements, the adoption of recommendations on the handling of police information by the General Secretariat and the NCBs, the revision of Interpol's existing rules and the adoption of new rules, and the adoption of a convention on international police cooperation. In discussing these options the Working Group rejected the first two, and the merits of the final three were discussed. The third and fourth options - the revision of Interpol's recommendation rules, were the easiest to attain, but as any decisions would be binding only on Interpol itself and its organs, and not on its membership, they would be of limited benefit.<sup>80</sup> The fifth option, the development of an internationally agreed, and legally binding convention 'would be the optimal solution for all the problems currently encountered in the exchange of information through Interpol. This would confirm Interpol as being the forerunner in the field of International police cooperation'.

The difficulty, almost amounting to an impossibility, of developing such a convention was fully realized, and it was acknowledged that the convention could not be expected to come to fruition 'within the coming decade'. When asked whether Interpol could set up an international convention the Chairman acknowledged 'In the global sense, it would be highly unlikely. Within Europe, and as Schengen and Europol develop, data protection will eventually be such an important issue for Interpol that it is possible that some sort of arrangement to allow Interpol to function could take place. If this works out, other regions may follow suit, but if not then



Interpol's ability to assist police forces internationally will be severely hampered'.<sup>81</sup>

### Conclusion

It can be concluded that Europe, which set the pace in transnational police cooperation in the twentieth century, now seems likely to do so again in the twenty-first. If Interpol represents the first wave of international policing organizations, however, it faces being drowned by the second. Anderson, writing two years before the Europol project was initiated, pointed out the three factors likely to marginalize Interpol in the future.<sup>82</sup>

- Aspiration to a distinctive political identity for the European Community will be a pressure to create a form of police cooperation exclusive to the Community
- There will be a reluctance to put increased resources into both Interpol and a European Police agency
- The same senior officers are likely to be involved in both forms of cooperation: since most of their business will be intra-European, there will be a tendency to concentrate on the specifically European form of cooperation.

It remains to be seen precisely what role Interpol will play in Europe in the future, but it is unlikely that its role will expand in the way the organization might hope. Europol and the related European Information System will expand direct formal and informal police to police contact, will receive additional sanction, and Interpol will be increasingly marginalized. There is an apparent absence of political will to develop the organization. It is therefore unlikely to receive additional funding or resources, nor is it likely to be able to develop the inter-governmentally negotiated treaties it needs to proceed. In the future it may be that ICPO representation within the European Union will shrink, leaving Lyons as the NCB for the European Union, much as the Washington NCB is for the United States of America. It seems that in Europe, Interpol is being kept on the political 'back burner', deprived of funds and political development, waiting to be replaced by more modern structures for transnational police cooperation.

### NOTES

1. A.J. Forrest, *Interpol* (London: Allan Wingate, 1955); M. Fooner, *Interpol: The Inside Story of a Crime Fighting Organization* (Chicago: Henry Regnery, 1973); M. Fooner, *Inside Interpol: Combatting World Crime Through Science and International Police Cooperation* (New York: Coward, McCann and Geoghan, 1975); M. Fooner, *Interpol: Issues in World Crime and International Justice* (New York: Plenum Press, 1989); S.K. Ghosh, *The Interpol* (Calcutta: Eastern Law House, 1976); Sir Ronald Howe, *The Pursuit of Crime* (London: Arthur Baker Ltd 1961); I. Noble, *Interpol: International Crime Fighter* (USA: Harcourt, Brace and Jovanovich, 1975); M. Sicot, *A la Barre d'Interpol* (Paris: Productions de Paris, 1961); T. Tullett, *Inside Interpol* (London: Frederick Muller, 1963); B. Babovic, *Interpol Face au Terrorisme* (Belgrade, 1989).
2. L. Greilsamer, *Interpol – le Siège du Soupçon* (Paris: Alain Moreau, 1986); D. Gulbinowicz, *The International Criminal Police Organization: A Case Study of Oversight of American Participation in an International Organization* (Unpublished Ph.D. Thesis: New York State University, 1978); K. Grange, 'The Impact of Data Protection Upon European Police Information Flows' Paper given at the European Consortium for Political Research, Madrid 17 April 1994 (Unpublished, 1994); F. Bresler, *Interpol* (London: Mandarin 1993); M. Anderson, *Policing the World: Interpol and the Politics of International Police Cooperation* (Oxford: Clarendon Press 1989); C. Fijnaut (ed.) *The Internationalization of Police Cooperation in Western Europe* (The Netherlands: Gouda Quint and Kluwer, 1993).
3. *Interpol Interpol 50th Anniversary* (Paris: ICPO, 1973), p.4. The countries were Austria, Denmark, Egypt, France, Germany, Greece and Hungary. Contemporary newspaper accounts however speak of the 120 delegates from 20 countries. See *the Times*, 4 Sept. 1923, p. 9.
4. *The Times*, 16 Aug. 1923, p.7;
5. In his autobiography, the British delegate to the 1946 conference, Sir Ronald Howe, claims that he, Louwage, Professor Harry Söderman from Sweden, Colonel Werner Muller from Switzerland, and Louis Ducloux of France were responsible for the refounding of the organization see Howe, op. cit., p.131.
6. *Interpol*, op. cit. 1973, p.3
7. This figure varies almost weekly in accordance with the international political climate. Recent countries to join Interpol include South Africa, El Salvador, the new Czech and Slovak Republics, Belarus and the new Macedonian Republic, formerly part of Yugoslavia. The London NCB provided a list of the 12 or 13 known countries that were *not* members of the organization in 1994. These were Afghanistan, Bhutan, the Comoros Islands, Laos, North Korea, Pitcairn Islands, the Solomon Islands, South Yemen, Taiwan, Tuvalu, Vanuatu, Western Samoa, and arguably the Republic of Yugoslavia.
8. Field work undertaken for this study in the London NCB indicates there is some evidence that individual Interpol officers have coordinated intelligence on criminal operations. This however is small scale and *ad hoc*.
9. Greilsamer op.cit., introduction
10. Anderson op. cit., p.12.
11. M. Den Boer and N. Walker, 'European Policing After 1992' *Journal of Common Market Studies*, Vol. 31 No. 1 March 1993, p.9.
12. Benyon, Turnbull *et al.*, *Police Cooperation in Europe: An Investigation* (Leicester: CSPO, 1993), p.224.
13. It should be noted that Interpol has not always had such enthusiasm for regionalization. It has said 'Each day brings further proof that cooperation on a piecemeal basis, dominated by regional considerations, would have been a mistake'. See ICPO op. cit., p.16.
14. ICPO *International Criminal Police Review (ICPR)* (Paris and Lyons:ICPO-Interpol 1945-1996). This quotation is from ICPR, No. 387.
15. Gulbinowicz, op. cit., p.15.
16. Anderson, op. cit., p.71.
17. Fooner, *Interpol: The Inside story of a Crime Fighting Organizations*, op. cit., p.40.



18. O. Garrison, *The Secret World of Interpol* (USA: McLellan, 1977), gives a full, if biased, account of the Church of Scientology's views of and actions against ICPO. More specific charges are laid out in the church's publications 'Interpol: A study of inefficiency' in *Editions of Freedom* (Los Angeles: Church of Scientology, 1977) and *Interpol. Private Group, Public Finance; A Police Organization involved in Criminal Activities* (Los Angeles: Church of Scientology, 1990).
19. This was undertaken by means of an Executive Order signed under the International Organizations Act 1945.
20. Fooner, *Interpol: The Inside Story of a Crime Study Organization*, op. cit., p.37
21. House of Commons, Vol. 924, Column 344, 21 Jan. 1977.
22. Anderson op. cit., p.71, Bresler op. cit., p.131, Fooner, *Interpol: Issues in World Crime and International Justice*, op. cit. p.45, Rollnick, R. 'Interpol replies to US critics' *The European*, 9 July 1992, p.11. Schlanitz, E. 'L'échange international d'informations de police dans le cadre des systèmes d'information d'Interpol et de Schengen' in *Les Accords de Schengen: Abolition des frontières ou menace pour les libertés publiques?* Alexis Pauly (ed.) (Maastricht, IEAP 1993).
23. United Nations, *The United Nations and Non-governmental Organizations* (New York: United Nations undated).
24. ECOSOC resolution 288 of 27 Feb. 1950.
25. E4945, para 6-14 and Annex III - emphasis added. This extract is reproduced from correspondence with a British government official April 1996.
26. Bresler op. cit., p.131
27. United Nations, *Special arrangement for cooperation between the United Nations and the International Criminal Police Organization (Interpol)* UNESCO Resolution E/RES/1579 (L) - 20 May 1971 (New York: UNO, 1971).
28. C. Valleix, 'Interpol' in *International Criminal Police Review* No.387. (Lyons: ICPO 1985).
29. Interpol, *Legal Status of Interpol*, Letter to Heads of NCBs - ref. No.4/D.3/STA/38-B. Includes copy of a UN legal opinion. (Lyons: unpublished, 1983).
30. Interpol, op. cit. 1983.
31. Fooner, *Interpol: Issues in World Crime and International Justice*, op. cit., p.47.
32. Anderson, op. cit., p.182.
33. Ibid., pp.60-61.
34. Minutes of the General Assembly Session held in Istanbul on 5 September 1955. The name of the UK delegate is not given, but is probably Sir Harold Jackson (quoted in ICPR N. 387).
35. Anderson, op.cit., p.61
36. ICPR, No.451, p.2 and p.37.
37. Some limited sanctions, such as the removal of the right to vote at General Assemblies, can be applied under General Regulation 52. However, the President of Interpol, Norman Inkster has acknowledged that the provisions of Article 52 are ineffectual', see ICPR, No. 451, p.3.
38. Quoted in Ghosh, op. cit., p.213.
39. Benyon *et al.*, op. cit., p.122.
40. Allegations of Interpol's supposed tacit support for the Nazis, including accusations that the former President, Paul Dickopf (1968-1972) was a wartime Nazi SS officer can be found in Garrison, op.cit. Bresler, p.86, details Florent Louwage's war time collaboration, particularly that he was personally appointed to a wartime post within Interpol by the Nazi leader Reinhard Heydrich. Of the remaining members of the 1946 leaders, sometimes referred to as the 'Big 5', Söderman and Muller were acknowledged Nazi sympathizers. Louwage is the man Sir Ronald Howe in his 'The Pursuit of Crime (London: Arthur Baker, Ltd, 1961), p.135 describes as 'my dear friend', and he writes of his time with them all as 'a most wonderful experience'.
41. Quoted in Greilsamer, op. cit., p.92. Author's translation. It seems that Interpol's activities in this field may be subject to revisionism. The following quotation, allegedly made by Mr. Kendall at the 63rd General Assembly in 1994, has recently appeared in an Interpol publication. The Secretary General recalled that Article 3... had never prevented Interpol

- from taking action in connection with the 1939-1945 war', ICPR, No.451, Nov.-Dec. 1994, p.13 - emphasis added.
42. 'Violent Criminality commonly referred to as Terrorism', Interpol's Resolution No.6 taken at the Luxembourg General Assembly 1984.
43. Anderson, op. cit., p.72-73.
44. Draft Resolution AGN/63/PRES/2 reported in ICPR, No.451, p.13.
45. C. Fijnaut, 'Policing Western Europe: Interpol, TREVI and Europol', *Police Studies*, Vol.15, No.2.
46. R. Woodward, 'The Establishment of Europol: A Critique' Paper presented to the Cyprus Police Academy International Seminar, Nicosia, 20-22 April 1993 (CSPO: Leicester University 1993).
47. Benyon *et al.*, op. cit., p.223.
48. Gulbinowicz, op. cit., pp.1-2.
49. Home Affairs Committee, *Practical Police Cooperation in the European Community*, Session 1989-90: 363-II Vol.I and Vol.II (London: HMSO, 1990), Vol.1, p.25.
50. Ayres, Elliot and Sherwood *Interpol: Service Strategy into the 90s* (Unpublished MBA Thesis: University of Warwick 1990).
51. G. James, *A Marketing Strategy for Interpol* (Unpublished MBA Thesis: University of Warwick, 1992).
52. National Criminal Intelligence Service, *The Role of Interpol and the UK National Central Bureau* (London: NCIS, 1996).
53. Home Affairs Committee, op. cit., Vol.2, 1990, p.43
54. These were a series of semi-structured interviews undertaken in the UK, France, Ireland, Spain, France, The Netherlands and Denmark between September 1993 and December 1995.
55. Interpol Liaison Officers Conference, Wakefield, England, 14-17 Jan. 1994.
56. ICPR, No.445 p.37.
57. ICPO has published a report of the meeting at which the accounts are approved, although little financial detail is provided. See for example ICPR, No.445, p.19-21.
58. *The Times*, 11 Sept. 1923, p.7.
59. Quoted in F. Bresler, 'Fine Words Can't Stop Gangsters', *The European Section Analysis* (7 Dec. 1995).
60. Carvel, 'Interpol "tapped by drug dealers"', *The Guardian*, 2 Oct. 1992.
61. This letter is quoted more fully in C. Fijnaut, 'Policing Western Europe: Interpol, TREVI and Europol', op.cit., p.11.
62. Quoted in Bresler, op. cit., p.394.
63. Home Affairs Committee, op. cit., Vol.1, p.xxv.
64. Home Affairs Committee, op. cit. Vol.2, p.138, Q.305.
65. Home Office, *The Government Reply to the Seventh Report from the Home Affairs Committee Session 1989-1990 HC 363-1*, CM 1367 (London: HMSO 1991).
66. Quoted in Bresler, op. cit., p.406.
67. P. Van Reenan, 'Today's Training: A European Police Institute', in M. Den Boer and M. Anderson (eds.), *European Police Cooperation - Proceedings of a Seminar* (Edinburgh: University of Edinburgh 1992), pp.131-132.
68. Bresler, op. cit., p.131.
69. J. Storbeck, 'Europol - A Symbol of its Time', *Kriminalistik*, No.3, 1994 (Germany), p.1994.
70. Quoted in M. Goodfellow, 'Interpol lose battle against global criminals due to lack of funds' *The Asian Age*, 29 Oct. 1994.
71. Quoted in ICPR, No.451, p.3.
72. Council of Europe, *Recommendation on the use of personal data in the police sector*, Recommendation R (87) 15, Adopted by the Committee of Ministers, 17 Sept. 1987.
73. Grange, op. cit.
74. Schlanitz, op. cit., p.50. Author's translation.
75. M. Fooner, *Inside Interpol*, p.78.
76. Savage and Edwards, *Guide to the Data Protection Act 1984* (London: Financial Training Publications Ltd., 1984).



- 77. ICPR, No.384, p.13, emphasis added.
- 78. Anderson, op. cit., p.66.
- 79. C. Raab, 'Police Cooperation: The Prospects for Privacy', in M. Anderson and M. Den Boer.
- 80. K. Grange, 'Memorandum to the House of Lords Select Committee on the European Communities', *10th Report into Europol HL51* (London: HMSO, 1995), pp.103-106
- 81. Interview, 12 Oct. 1995.
- 82. Anderson, op. cit., p.192.